

EPA plan could let many plants skirt strictest cuts in air pollutants

By JOHN HEILPRIN Associated Press Writer
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The Environmental Protection Agency is considering ways to allow many industrial facilities that emit at least one of 188 hazardous air pollutants to avoid having to comply with the most stringent technology controls to limit pollution.

The Natural Resources Defense Council, an environmental advocacy group, released the draft proposal on Monday, two days before the Senate Environment and Public Works Committee meets to consider President Bush's nominee, Bill Wehrum, to serve as head of EPA's air office.

NRDC noted in a statement that the proposal was drafted during Wehrum's current tenure as acting head of that office. John Walke, NRDC's clean air director, said the timing was not politically motivated.

The agency's current 1995 policy requires facilities that annually emit 10 tons or more of a single air pollutant or 25 tons or more of a group of pollutants to use the maximum achievable technology controls to lower their pollution, sometimes by up to 95 percent.

A draft proposal would let oil refineries, hazardous waste incinerators, chemical plants and dozens of other types of facilities that drop below those annual thresholds to reclassify themselves as minor sources of pollution under the Clean Air Act's air toxics program.

By doing so, businesses could potentially pollute at levels just below the thresholds _ rather than be subject to the more stringent requirements for major sources. The proposal applies to air pollutants such as benzene, cyanide, asbestos, lead, mercury and chlorine.

Bob Slaughter, president of the National Petrochemical and Refiners Association, called the proposal "good news for protection of health and the environment."

Slaughter said major sources of hazardous air pollutants would have to reduce actual emissions to take advantage of the change in policy.

"Without the proposal, powerful disincentives would exist to make these reductions," he said. "In the past, even state and local air regulators have called upon EPA to fix this problem."

NRDC also released a leaked EPA internal memo from December in which regional EPA officials criticized the proposal.

Michael Bandrowski, air toxics chief for EPA's Pacific Southwest office, wrote that industrial facilities could "backslide" from having to use the stricter technology controls and increase their pollution to just below federal thresholds.

Sen. Jim Jeffords, I-Vt., a senior member of that committee, promised to explore the draft rule at Wehrum's hearing. "Once again, it appears that the EPA is looking for ways to make the Clean Air Act more friendly to polluters at the expense of public health," he said.

EPA officials said the draft leaked by NRDC was prepared last November. EPA spokeswoman Lisa Lybbert said commenting on it at this early stage in the process "is like asking us how a cake tastes when we haven't even put the batter in the oven."

